Saturday, November 21, 1936 *No. 180*

TREASURY DEPARTMENT.

Bureau of Internal Revenue.

[T. D. 4707]

OPENINGS FOR VENTILATION OR HEATING IN INTERNAL REVENUE BONDED WAREHOUSES

To District Supervisors and Others Concerned:

Paragraph 3 of T. D. 4651 is amended to read as follows:

Warehouses will not be approved unless erected upon foundations of stone, brick, concrete, or other equally substantial material, extending into the ground: *Provided, however,* That in instances where the warehouse consists of a room or rooms situated above the first floor of a building, these provisions relating to foundations shall not be applicable. Openings in warehouse walls, floors, and roofs will be permitted for ventilation or heating purposes, provided that such openings are protected by iron or steel gratings consisting of a frame and horizontal and perpendicular bars, having a diameter of not less than one-fourth inch and spaced not more than one-half inch apart; or other gratings of similar construction and equal strength. Gratings shall be securely attached to or embedded in the warehouse floor, wall, or roof, and such openings shall be further protected by regulation iron bars unless located in the warehouse floors.

[SEAL] CHAS. T. RUSSELL,
Acting Commissioner of Internal Revenue.

Approved, November 16, 1936.

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 3481—Filed, November 20, 1936; 12:59 p. m.]

[T. D. 4708]

MANUFACTURE AND TAX-PAYMENT OF FERMENTED MALT LIQUORS

To District Supervisors and Others Concerned:

Paragraph 29 (a) of Regulations 18, relating to the Manufacture and Tax-Payment of Fermented Malt Liquors, is hereby amended to read as follows:

PAR. 29. (a) All undelivered beer returned to a brewery may be held in temporary storage. Returned beer held in temporary storage must be kept completely segregated from all other beer, identified as returned beer, and stored in such manner as to be immediately accessible to Government officers. The stamps on barrels of returned beer must remain intact while in temporary storage. Such beer must be removed from the brewery prior to the removal of other beer of the same kind or type, except that for the purpose of refrigeration the removal of such returned beer may be postponed for a period not exceeding thirty-six hours. Unless so removed, the beer will no longer be considered as being in temporary storage and must be returned to general brewery stock, in which event the stamps on the barrels must be destroyed and new stamps affixed when the beer is again removed from the brewery. Refund or credit for such stamps destroyed cannot be allowed.

[SEAL] CHAS. T. RUSSELL,
Acting Commissioner of Internal Revenue.

Approved, November 17, 1936.

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 3482—Filed, November 20, 1936; 12:59 p. m.]

[T. D. 4709]

REMOVAL OF BEER FROM BREWERY TO WAREHOUSE

To District Supervisors and Others Concerned:

Section 313 (c) of the Liquor Tax Administration Act (Public, No. 815, 74th Congress), approved June 26, 1936, provides as follows:

(c) Section 3345 of the Revised Statutes, (U. S. C., 1934 ed., title 26, sec. 1333 (a) is amended by striking out the phrase "in one vessel" where it appears after the phrase "of not less than six barrels."

Pursuant to this amendment of Section 3345 of the Revised Statutes, Paragraph 26 (a) of Regulations 18 is amended to read as follows:

PAR. 26. (a) Upon the filing with the District Supervisor of an application therefor by a brewer, a permit may be granted under Section 3345, Revised Statutes, as amended, to remove or transport from his brewery to a depot, warehouse, or other place used exclusively for storage or sale in bulk, and occupied by him, malt liquor of his own manufacture, known as lager-beer, in quantities of not less than six barrels; and any other malt liquor of his own manufacture, in quantities of not less than fifty barrels at a time, without affixing the proper stamps on the containers of such malt liquors at the brewery.

[SEAL] GUY T. HELVERING.
Commissioner of Internal Revenue.

Approved: November 17, 1936.

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 3483—Filed, November 20, 1936; 12:59 p. m.]

[T. D. 4710]

BREWER'S NOTICE, FORM 27C

To District Supervisors and Others Concerned:

Section 3335 of the Revised Statutes (U. S. C., 1934 ed., title 26, sec. 1334 (a)), as amended by Section 315 of the Liquor Tax Administration Act (Public, No. 815, 74th Congress), approved June 26, 1936, provide as follows:

SEC. 3335. Every brewer shall, before commencing or continuing business, file with the officer designated for that purpose by the Commissioner of Internal Revenue a notice in writing and in the form prescribed by the Commissioner, with the approval of the Secretary of the Treasury. Such notice shall set forth (a) the name and residence of the brewer, and the names and residences of all such persons interested or to be interested in the business, directly or indirectly, as the Commissioner shall prescribe, (b) the precise place where the business is to be carried on, including a description of the premises on which the brewery is situated, the title of the brewer to the premises, and the name of the owner thereof, and (c) such additional particulars as the Commissioner shall prescribe as necessary for the protection of the revenue.

Pursuant to this amendment of Section 3335, R. S., subparagraphs (a) and (b) of Paragraph 8 of Regulations 18, are amended to read as follows:

PAR. 8. (a) Every brewer shall, before commencing business, file with the Supervisor a notice on Form 27C, in triplicate. If the brewery is to be operated by an individual, the full name and residence of such individual, and the trade name, if any, under which he proposes to operate must be given. If the brewery is to be operated by a co-partnership, the firm name, if any, and the name and residence of each person interested in the operation must be given. If the brewery is to be operated by a corporation, the name of the corporation, the State under the laws of which it was incorporated, and the address of the principal office must be given. There must be attached to such notice an affidavit giving the name and address of every person interested or to be interested in the business, and the amount and nature of such interest, including the name and address of every member of a firm or stockholder of a corporation, operating, owning or interested in the brewery, directly or indirectly, whether such interest appears in the name of the interested party or in the name of another for him. In the case of corporations and similar legal entities there shall be filed, on separate sheets, at the commencement of business and annually thereafter as of May 1, or the nearest dividend date within sixty days thereof, a list of the true and beneficial owners of the stock outstanding, and a statement under the seal, if any, of the corporation or other legal entity, showing the number of shares of each class of stock or other evidence of ownership in the corporation, such as voting trust certificates, authorized and outstanding, the par value, if any, thereof, and the voting rights of the respective owners or holders thereof, accompanied by an affidavit as to the correctness of such list and statement, which affidavit shall be executed by an officer of the corporation or other legal entity having most knowledge as to the correctness thereof and duly authorized to execute the same: Provided, That where more than one hundred persons are interested in a corporation or other legal entity as stockholders or otherwise, there need be furnished hereunder only the names, addresses and amounts and nature of stockholding or other interest of the one hundred persons having the largest ownership or other interest in each of the respective classes of stock or other interest, except where more complete information shall be specially required by the Commissioner of Internal Revenue.

(b) The notice must accurately describe the brewery and the bottling house premises by metes and bounds or courses and dis-

tances, all buildings on such premises and the purposes for which used, such brewery apparatus as is required to be shown on the plans prescribed in Article VI, the storage facilities, and the apparatus to be used in the bottling house, and must show the location of the premises by name of State and city or town and street and number. The notice must also contain a statement showing the title of the brewer to the premises on which the brewery is situated, and the name of the owner thereof.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, November 17, 1936.

H. MORGENTHAU, JR.,
Secretary of the Treasury.

[F. R. Doc. 3484—Filed, November 20, 1936; 1:00 p. m.]

[T. D. 4711]

RECTIFICATION OF WINE

To District Supervisors, Collectors of Internal Revenue, and Others Concerned:

Section 335 of the Liquor Tax Administration Act (Public, No. 815, 74th Congress), approved June 26, 1936, provides as follows:

Section 620 of the Revenue Act of 1918 (U. S. C., 1934 ed., title 26, sec. 1309) is amended by striking out the following: "or whoever rectifies, mixes, or compounds with distilled spirits any domestic wines, other than in the manufacture of liqueurs, cordials, or similar compounds."

Pursuant to this amendment of Section 620 of the Revenue Act of 1918, paragraph 176 of Regulations 15, is amended to read as follows:

PAR. 176. Domestic tax-paid wines may also be rectified, mixed, or compounded with tax-paid distilled spirits for other purposes than the manufacture of liqueurs, cordials, or similar compounds. The resultant product is subject to the 30-cent rectification tax. Where the taxable class of wine is changed by the addition of distilled spirits thereto, additional wine tax due on the wine must be paid as well as the 30-cent rectification tax. Such additional tax represents the difference between the wine tax due on the finished wine under its new classification and the tax previously paid thereon. The same rule applies where the taxable class of wine is increased by blending wines with each other, regardless of whether or not the 30-cent rectification tax is incurred by such blending. Where, however, the rectification, mixing, compounding, or blending results in the manufacture of a distinct product, such as vermouth or sparkling wine, the tax imposed upon such product must, as provided in Paragraph 132, be paid in addition to any rectification tax.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, November 17, 1936.

H. MORGENTHAU, JR.,
Secretary of the Treasury.

[F. R. Doc. 3485—Filed, November 20, 1936; 1:00 p. m.]

[T. D. 4712]

FILTERING, CLARIFYING, OR PURIFYING WINES ON BONDED WINERY OR BONDED STOREROOM PREMISES

To District Supervisors, Collectors of Internal Revenue and Others Concerned:

Section 605 of the Revenue Act of 1918 (U. S. C., 1934 ed., title 26, sec. 1151), as amended by Section 319 (b) of the Liquor Tax Administration Act (Public, No. 815, 74th Congress) approved June 26, 1936, provides in part as follows:

The filtering, clarifying, or purifying of wines on bonded winery premises or bonded storeroom premises, shall not be deemed to be rectification within the meaning of paragraph "Third" of section 3244 of the Revised Statutes (U. S. C., 1934 ed., title 26, sec. 1393 (f)). The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe such regulations under this section as he deems necessary.

Pursuant to this amendment of Section 605 of the Revenue Act of 1918, the following regulations are prescribed:

1. The filtering, clarifying, or purifying of wines on bonded winery or bonded storeroom premises shall not be deemed to be rectification within the meaning of paragraph "Third" of Section 3244 of the Revised Statutes.

2. In the process of filtering, clarifying and purifying wine on bonded winery and bonded storeroom premises, materials, methods and equipment may be used to remove cloudiness, precipitation, and undesirable odors and flavors, but the addition of any substance foreign to wine which remains a part thereof, or the abstraction of ingredients to an extent or manner which will affect the basic composition of the wine by eliminating the characteristic elements or change its type, is not within the statute, and will not, therefore, be permitted on bonded winery or bonded storeroom premises.

3. The mixing of any materials with wine which will result in the production of a compound, imitation, or spurious wine will constitute rectification.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, November 17, 1936.

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 3486—Filed, November 20, 1936; 1:00 p. m.]

Federal Alcohol Administration.

[Regulations No. 7]

LABELING AND ADVERTISING OF MALT BEVERAGES

Pursuant to the provisions of section 5 (e) and (f) of the Federal Alcohol Administration Act (Public—No. 401—74th Congress[1]), as amended by title V of the Liquor Tax Administration Act (Public—No. 815—74th Congress), the following regulations relating to the labeling and advertising of malt beverages are hereby prescribed and promulgated:

ARTICLE I—DEFINITIONS

SECTION 1. *As used in those regulations.*—(a) The term "act" means the Federal Alcohol Administration Act.

(b) The term "Administration" means the Federal Alcohol Administration.

(c) The term "Administrator" means the head of the Federal Alcohol Administration.

(d) The term "malt beverage" means a beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

(e) The term "container" means any can, bottle, barrel, keg, or other closed receptacle, irrespective of size or of the material from which made, for use for the sale of malt beverages at retail. The term "bottler" means any person who places malt beverages in containers of a capacity of one gallon or less; and the term "packer" means any person who places malt beverages in containers of a capacity in excess of one gallon.

(f) The term "gallon" means United States gallon of 231 cubic inches of malt beverages at 39.2° F. (4° C.). All other liquid measures used are subdivisions of the gallon as so defined.

(g) The term "brand label" means the label carrying, in the usual distinctive design, the brand name of the malt beverage.

(h) The term "United States" means the several States and territories and the District of Columbia; the term "State" includes a territory and the District of Columbia; and the term "territory" means Alaska, Hawaii, and Puerto Rico.

(i) The term "interstate or foreign commerce" means commerce between any State and any place outside thereof, or commerce within any territory or the District of Columbia, or between points within the same State but through any place outside thereof.

[1] 49 Stat 977.

(j) The term "person" means any individual, partnership, joint stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent, and including an officer or employee of any agency of a State or political subdivision thereof.

(k) Any other term defined in the Federal Alcohol Administration Act and used herein shall have the same meaning assigned to it by such act.

ARTICLE II—LABELING REQUIREMENTS FOR MALT BEVERAGES

SEC. 20. *General*—(a) *Application of this article.*—This article shall apply to malt beverages sold or shipped or delivered for shipment, or otherwise introduced into or received in any State from any place outside thereof, only to the extent that the law of such State imposes similar requirements with respect to the labeling of malt beverages not sold or shipped or delivered for shipment or otherwise introduced into or received in such State from any place outside thereof.

(b) *Marking, branding, and labeling.*—No person engaged in business as a brewer, wholesaler, or importer, of malt beverages, directly or indirectly, or through an affiliate, shall sell or ship, or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or receive therein, or remove from customs custody any malt beverages in containers unless such malt beverages are packaged, and such packages are marked, branded, and labeled in conformity with this article. Malt beverages domestically bottled or packed prior to December 15, 1936, and imported malt beverages entered in customs bond in containers prior to that date shall be regarded as being packaged, marked, branded, and labeled in accordance with this article, if the labels on such malt beverages (1) bear all the mandatory label information required by section 22 below, even though such information is not set forth in the manner and form as required by section 22 and other sections of this article referred to therein, and (2) bear no statements, designs, or devices which are false or misleading.

(c) *Alteration of labels.*—

(1) It shall be unlawful for any person to alter, mutilate, destroy, obliterate, or remove any mark, brand, or label upon malt beverages held for sale in interstate or foreign commerce or after shipment therein, except as authorized by Federal law: *Provided,* That the Administrator may, upon written application, permit additional labeling or relabeling of malt beverages in containers if, in his judgment, the facts show that such additional labeling or relabeling is for the purpose of compliance with the requirements of this article or of State law.

(2) Application for permission to relabel shall be accompanied by two complete sets of the old labels and two complete sets of any proposed labels, together with a statement of the reasons for relabeling, the quantity and the location of the malt beverages, and the name and address of the person by whom they will be relabeled.

SEC. 21. *Misbranding.*—Malt beverages in containers shall be deemed to be misbranded—

(a) If the container fails to bear on it a brand label (or a brand label and other permitted labels) containing the mandatory label information as required by this article and conforming to the general requirements specified herein.

(b) If the container, cap, or any label on the container, or any carton, case, or other covering of the container used for sale at retail, or any written, printed, graphic, or other matter accompanying the container to the consumer buyer, contains any statement, design, device, or graphic, pictorial, or emblematic representation that is prohibited by this article.

(c) If the container has blown, branded, or burned therein the name or other distinguishing mark of any person engaged in business as a brewer, wholesaler, bottler, or importer, of malt beverages, or of any other person, except the person whose name is required to appear on the brand label.

SEC. 22. *Mandatory label information.*—There shall be stated—

(a) On the brand label—

(1) Brand name, in accordance with section 23 below.

(2) Class, in accordance with section 24 below.

(3) Name and address (except when branded or burned in the container), in accordance with section 25 below, except as provided in (b) hereof.

(4) In the case of domestic malt beverages containing one-half of one per centum or more of alcohol by volume the statement "Taxpaid at the rate prescribed by internal revenue law" or "Internal revenue taxpaid" (except where the container bears a revenue stamp indicating tax payment).

(5) Net contents (except when blown, branded, or burned, in the container) in accordance with section 27 below.

(b) On the brand label or on a separate label (back or front)—

(6) In the case of imported malt beverages, name and address of importer, in accordance with section 25 below.

(7) In the case of malt beverages bottled or packed for the holder of a permit or a retailer, the name and address of the bottler or packer, in accordance with section 25 below.

(8) Alcoholic content, when required by State law, in accordance with section 26 below.

SEC. 23. *Brand names*—(a) *General.*—The malt beverage shall bear a brand name, except that if it is not sold under a brand name, then the name of the person required to appear on the brand label shall be deemed a brand name for the purpose of this article.

(b) *Brand names of geographical significance.*—Where a geographical name or adjective is used as the brand name, or a part of the brand name, and the Administrator finds that the use of such geographical name or adjective, or any statement, design, or device appearing upon the label in conjunction therewith, tends to create the impression that the product was produced in a place or region other than that of actual production, he may require the word "Brand" to be stated in direct conjunction with such geographical name or adjective, in lettering at least one-half the size of the lettering in which such name or adjective appears on the label. If the Administrator finds that the addition of the word "Brand" does not remove the misleading impressions conveyed by the use of such geographical name or adjective, he may require, in addition to the word "Brand", other appropriate language which will disclose the true place of production.

SEC. 24. *Class and type.*—(a) The class of the malt beverage (such as "cereal beverage", "near beer", "beer", "lager beer", "lager", "ale", "porter", or "stout") shall be stated, and, if desired, the type thereof may be stated.

(b) No product shall be designated as "Half and Half" unless it is in fact composed of equal parts of two classes of malt beverages the names of which are conspicuously stated in conjunction with the designation "Half and Half."

(c) No product containing less than one-half of one per centum of alcohol by volume shall bear the class designations "beer", "lager beer", "lager", "ale", "porter", or "stout", or any other class or type designation commonly applied to malt beverages containing one-half of one per centum or more of alcohol by volume.

(d) No product containing less than five per centum of alcohol by volume shall bear the class designations "ale", "porter", or "stout", or any other class or type designation commonly applied to malt beverages containing five per centum or more of alcohol by volume.

(e) Geographical names for distinctive types of malt beverages (other than names found by the Administrator under subsection (f) to have become generic) shall not be applied to malt beverages produced in any place other than the particular region indicated by the name unless (1) in direct conjunction with the name there appears the word "type" or the word "American", or some other statement indicating the true place of production in lettering substantially as

conspicuous as such name, and (2) the malt beverages to which the name is applied conform to the type so designated. The following are examples of distinctive types of beer with geographical names that have not become generic: Dortmund, Dortmunder, Vienna, Wien, Wiener, Bavarian, Munich, Munchner, Salvator, Kulmbacher, Wurzburger.

(f) Only such geographical names for distinctive types of malt beverages as the Administrator finds have by usage and common knowledge lost their geographical significance to such extent that they have become generic, shall be deemed to have become generic. The following are examples of distinctive types of malt beverages with geographical names that have become generic: Pilsen Beer (Pilsener, Pilsner), India Pale Ale.

(g) Except as provided in section 23 (b), geographical names that are not names for distinctive types of malt beverages, shall not be applied to malt beverages produced in any place other than the particular place or region indicated in the name.

SEC. 25. *Name and address.*—(a) *Domestic malt beverages.*—On labels of containers of domestic malt beverages there shall be stated the name of the bottler or packer and the place where bottled or packed. If such malt beverages are bottled or packed for a person other than the actual bottler or packer there may be stated in addition to the name and address of the bottler or packer (but not in lieu thereof), the name and address of such other person immediately preceded by the words "Bottled for", "Distributed by", or some other similar appropriate phrase.

(b) *Imported malt beverages.*—On labels of containers of imported malt beverages, there shall be stated the words "Imported by", or a similar appropriate phrase, and immediately thereafter the name of the permittee who is the importer, or exclusive agent, or sole distributor, or other person responsible for the importation, together with the principal place of business in the United States of such person. In addition there may, but need not, be stated unless required by State or foreign law or regulation the name and principal place of business of the foreign manufacturer, bottler, packer, or shipper.

(c) *Post office address.*—The "place" stated shall be the post office address, except that the street address may be omitted. No additional places or addresses shall be stated for the same person, unless, (1) such person is actively engaged in the conduct of an additional bona fide and actual malt beverage business at such additional place or address, and (2) the label also contains, in direct conjunction therewith, appropriate descriptive material indicating the function occurring at such additional place or address in connection with the particular malt beverage.

SEC. 26. *Alcoholic content.*—The alcoholic content and the percentage and quantity of the original extract shall not be stated unless required by State law. When alcoholic content is required to be stated, but the manner of statement is not specified in the State law, it shall be stated in percentage of alcohol by weight or by volume, and not by proof or by maximums or minimums. Otherwise the manner of statement shall be as specified in the State law.

SEC. 27. *Net contents.*—(a) Net contents shall be stated as follows:

(1) If less than one pint, in fluid ounces, or fractions of a pint.

(2) If one pine, one quart, or one gallon, the net contents shall be so stated.

(3) If more than one pint, but less than one quart, the net contents shall be stated in fractions of a quart, or in pints and fluid ounces.

(4) If more than one quart, but less than one gallon, the net contents shall be stated in fractions of a gallon, or in quarts, pints, and fluid ounces.

(5) If more than one gallon, the net contents shall be stated in gallons and fractions thereof.

(b) All fractions shall be expressed in their lowest denominations.

(c) The net contents need not be stated on any label if the net contents are displayed by having the same blown, branded, or burned in the container in letters or figures in such manner as to be plainly legible under ordinary circumstances and such statement is not obscured in any manner in whole or in part.

SEC. 28. *General requirements.*—(a) *Contrasting background.*—All labels shall be so designed that all statements thereon required by this article are readily legible under ordinary conditions, and all such statements shall be on a contrasting background.

(b) *Size of type.*—Except as to statements of alcoholic content, all statements required on labels by this article shall be in readily legible script, type, or printing not smaller than 8-point Gothic caps. If contained among other descriptive or explanatory reading matter, the script, type, or printing of all required material shall be of a size substantially more conspicuous than such other descriptive or explanatory reading matter. All portions of any statement of alcoholic content shall be of the same size and kind of lettering and of equally conspicuous color, and such lettering shall not be larger than 8-point Gothic caps, except when otherwise required by State law.

(c) *English language.*—All information, other than the brand name, required by this article to be stated on labels shall be in the English language. Additional statements in foreign languages may be made, if no such statements in any way conflict with, or are contradictory to, the requirements of this article. Labels on containers of malt beverages packaged for consumption within Puerto Rico may, if desired, state the information required by this article solely in the Spanish language, in lieu of the English language, except that the net contents shall also be stated in the English language.

(d) *Labels firmly affixed.*—All labels shall be affixed to containers of malt beverages in such manner that they cannot be removed without thorough application of water or other solvents.

(e) *Additional information.*—Labels may contain information other than the mandatory label information required by this article, provided such information complies with the requirements of this article, and does not conflict with, nor in any manner qualify, statements required by any regulations promulgated under the act.

SEC. 29. *Prohibited practices.*—(a) *Statements on labels.*—Containers of malt beverages, or any labels on such containers, or any carton, case, or individual covering of such containers, used for sale at retail, or any written, printed, graphic, or other matter accompanying such containers to the consumer shall not contain—

(1) Any statement that is false or untrue in any particular, or that, irrespective of falsity, directly or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific, or technical matter tends to create a misleading impression.

(2) Any statement that is disparaging of a competitor's products.

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which the Administrator finds to be likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which the Administrator finds to be likely to mislead the consumer.

(6) A trade or brand name that is the name of any living individual of public prominence, or existing private or public organization, or is a name that is in simulation or is an abbreviation thereof, or any graphic, pictorial, or emblematic representation of any such individual or organization, if the use of such name or representation is likely falsely to lead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of, such individual or organization: *Provided,* That

this subsection shall not apply to the use of the name of any person engaged in business as a producer, importer, bottler, packer, wholesaler, retailer, or warehouseman, of malt beverages, nor to the use by any person of a trade or brand name that is the name of any living individual of public prominence, or existing private or public organization, provided such trade or brand name was used by him or his predecessors in interest prior to August 29, 1935.

(b) *Simulation of Government stamps.*—No label shall be of such design as to resemble or simulate a stamp of the United States Government or of any State or foreign government. No label, other than stamps authorized or required by the United States Government or any State or foreign government, shall state or indicate that the malt beverage contained in the labeled container is brewed, made, bottled, packed, labeled, or sold under, or in accordance with any municipal, State, Federal, or foreign government authorization, law, or regulation, unless such statement is required or specifically authorized by Federal, State, or municipal law or regulation, or is required or specifically authorized by the laws or regulations of the foreign country in which such malt beverages were produced. If the municipal or State government permit number is stated upon a label, it shall not be accompanied by any additional statement relating thereto, unless required by State law.

(c) *Use of word "Bonded", etc.*—The words "Bonded", "Bottled in bond", "Aged in bond", "Bonded age", "Bottled under customs supervision", or phrases containing these or synonymous terms which imply governmental supervision over production, bottling, or packing, shall not be used on any label for malt beverages.

(d) *Statements, seals, flags, coats of arms, crests, and other insignia.*—Statements, seals, flags, coats of arms, crests, or other insignia, or graphic or pictorial or emblematic representations thereof, likely to mislead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of, the government, organization, family, or individual with whom such statement, seal, flag, coat of arms, crest, or insignia is associated, are prohibited on any label of malt beverages.

(e) *Curative and therapeutic effects.*—Labels shall not contain any statement, design, or device representing that the use of any malt beverage has curative or therapeutic effects, if such statement is untrue in any particular or tends to create a misleading impression.

(f) *Use of words "Strong", "Full strength", and similar words.*—Labels shall not contain the words "Strong", "Full strength", "Extra strength", "High test", "High proof", "Pre-war strength", "Full old time alcoholic strength", or similar words or statements, likely to be considered as statements of alcoholic content, except where required by State law.

(g) *Use of numerals.*—Labels shall not contain any statements, designs, or devices whether in the form of numerals, letters, characters, figures, or otherwise, which are likely to be considered as statements of alcoholic content, unless required by State law.

(h) *Coverings, cartons, or cases.*—Individual coverings, cartons, cases, or other wrappers of containers of malt beverages, used for sale at retail, or any written, printed, graphic, or other matter accompanying the container shall not contain any statement or any graphic, pictorial, or emblematic representation, or other matter, which is prohibited from appearing on any label or container of malt beverages.

ARTICLE III—REQUIREMENTS FOR WITHDRAWAL OF IMPORTED MALT BEVERAGES FROM CUSTOMS CUSTODY

SEC. 30. *Application of this article.*—This article shall apply to withdrawals of malt beverages from customs custody only in the event that the laws or regulations of the State in which such malt beverages are withdrawn for consumption, require that all malt beverages sold or otherwise disposed of in such State be labeled in conformity with the requirements of article II of these regulations.

SEC. 31. *Label approval and release.*—(a) On or after December 15, 1936, imported malt beverages shall not be released from customs custody for consumption, except pursuant to the procedure and forms prescribed by this article.

(b) No imported malt beverages shall be released from customs custody unless there shall have been deposited with the appropriate customs officer at the port of entry an "Affidavit for release of imported malt beverages" (Form L. 22), which document shall be properly filled out and sworn to by the importer or transferee in bond, covering the particular brand or lot of malt beverages sought to be released, and which document shall be accompanied by the original or a photostatic copy firmly attached thereto of a "Certificate of label approval and release for imported malt beverages" (Form L. 21). Such certificate shall be issued by the Administrator upon application made on the form designated "Application for approval of labels for imported malt beverages" (Form L. 20), properly filled out and certified to by the importer or transferee in bond.

(c) *Release.*—If the "Affidavit for release of imported malt beverages" (Form L. 22) is accompanied by the original or a photostatic copy of the "Certificate of label approval and release for imported malt beverages" (Form L. 21), the certificate of which bears the signature of the officer designated by the Administrator, then the brand or lot of malt beverages bearing labels identical with those shown on the original or a photostatic copy may be released from customs custody.

(d) *Relabeling.*—Imported malt beverages in customs custody, which are not labeled in conformity with certificates of label approval issued by the Administrator, must be relabeled, prior to release, under the supervision and direction of the customs officers of the port at which such malt beverages are located.

ARTICLE IV—REQUIREMENTS FOR APPROVAL OF LABELS OF MALT BEVERAGES DOMESTICALLY BOTTLED OR PACKED

SEC. 40. *Application of this article.*—This article shall apply only to persons bottling or packing malt beverages (other than malt beverages in customs custody) for shipment, or delivery for sale or shipment, into a State, the laws or regulations of which require that all malt beverages sold or otherwise disposed of in such State be labeled in conformity with the requirements of article II of these regulations.

SEC. 41. *Certificates of label approval.*—No person shall bottle or pack malt beverages, or remove such malt beverages from the plant where bottled or packed, unless upon application to the Administrator, he has obtained, and has in his possession, a "Certificate of approval of labels of malt beverages domestically bottled or packed" (Form L. 24) covering such malt beverages. Such certificate of label approval shall be issued by the Administrator upon application made on the form designated "Application for approval of labels of malt beverages domestically bottled or packed" (Form L. 23), properly filled out and certified to by the applicant.

SEC. 42. *Exhibiting certificates to Government officials.*—Any bottler or packer holding an original or duplicate original of a certificate of label approval shall, upon demand, exhibit such certificate to a duly authorized representative of the United States Government or any duly authorized representative of a State or political subdivision thereof.

ARTICLE V—ADVERTISING OF MALT BEVERAGES

SEC. 50. *Application of this article.*—No person engaged in business as a brewer, wholesaler, or importer, of malt beverages, directly or indirectly, or through an affiliate, shall publish or disseminate, or cause to be published or disseminated by radio broadcast, or in any newspaper, periodical, or other publication, or by any sign or outdoor advertisement, or any other printed or graphic matter any advertisement of malt beverages if such advertisement is in, or is calculated to induce sales in interstate or foreign commerce, or is disseminated by mail, unless such advertisement is in conformity with this article: *Provided,* That this article shall not apply to outdoor advertising in place on June 18, 1935, but shall apply upon replacement, restoration, or renovation of any such advertising: *And provided further,* That this article shall apply to advertisements of malt beverages intended to be sold or shipped or delivered for shipment, or

otherwise introduced into or received in any State from any place outside thereof, only to the extent that the laws of such State impose similar requirements with respect to advertisements of malt beverages manufactured and sold or otherwise disposed of in such State: *And provided further*, That this article shall not apply to the publisher of any newspaper, periodical, or other publication, or radio broadcaster, unless such publisher or radio broadcaster is engaged in business as a brewer, wholesaler, bottler, or importer of malt beverages, directly or indirectly, or through an affiliate.

SEC. 51. *Definitions.*—As used in this article—the term "advertisement" includes any advertisement of malt beverages through the medium of radio broadcast; or of newspapers, periodicals, or other publications; or of any sign or outdoor advertisement; or of any other printed or graphic matter, including trade booklets, menus, and wine cards—if such advertisement is in, or is calculated to induce sales in, interstate or foreign commerce; or is disseminated by mail; except that such term shall not include—

(a) Any label affixed to any container of malt beverages; or any coverings, cartons, or cases of containers of malt beverages used for sale at retail, or any written, printed, graphic, or other matter accompanying the container which constitutes a part of the labeling under article II of these regulations.

(b) Any editorial or other reading matter in any periodical or publication or newspaper for the publication of which no money or other valuable consideration is paid or promised, directly or indirectly, by any person engaged in business as a brewer, wholesaler, or importer of malt beverages.

SEC. 52. *Mandatory statements.*—(a) *Responsible advertiser.*—The advertisement shall state the name and address of the brewer, bottler, packer, wholesaler, or importer responsible for its publication or broadcast. Street number and name may be omitted in the address.

(b) *Class.*—The advertisement shall contain a conspicuous statement of the class to which the product belongs, corresponding to the statement of class which is required to appear on the label of the product.

SEC. 53. *Legibility of requirements.*—Statements required under this article to appear in any written, printed, or graphic advertisement shall be in lettering or type of a size sufficient to render them both conspicuous and readily legible.

SEC. 54. *Prohibited statements.*—(a) An advertisement of malt beverages shall not contain—

(1) Any statement that is false or misleading in any material particular.

(2) Any statement that is disparaging of a competitor's products.

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which the Administrator finds to be likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which the Administrator finds to be likely to mislead the consumer.

(6) Any statement that the malt beverages are brewed, made, bottled, packed, labeled, or sold under, or in accordance with, any municipal, State, or Federal authorization, law, or regulation; and if a municipal or State permit number is stated, the permit number shall not be accompanied by any additional statement relating thereto.

(7) The words "Bonded", "Bottled in bond", "Aged in bond", "Bonded age", "Bottled under customs supervision", or phrases containing these or synonymous terms which imply governmental supervision over production, bottling, or packing.

(b) *Statements inconsistent with labeling.*—The advertisement shall not contain any statement concerning a brand or lot of malt beverages that is inconsistent with any statement on the labeling thereof.

(c) *Alcoholic content.*—The advertisement shall not contain any statement of alcoholic content, or any statement of the percentage and quantity of the original extract, or any numerals, letters, characters, or figures, likely to be considered as designations of alcoholic content.

(d) *Class.*—

(1) No product containing less than one-half of one per centum of alcohol by volume shall be designated in any advertisement as "beer", "lager beer", "lager", "ale", "porter", or "stout", or by any other class or type designation commonly applied to fermented malt beverages containing one-half of one per centum or more of alcohol by volume.

(2) No product containing less than five per centum of alcohol by volume shall be designated in any advertisement as "ale", "porter", or "stout", or by any other class or type designation commonly applied to fermented malt beverages containing five per centum or more of alcohol by volume.

(e) *Curative and therapeutic effects.*—The advertisement shall not contain any statement, design, or device representing that the use of any malt beverage has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

(f) *Confusion of brands.*—Two or more different brands or lots of malt beverages shall not be advertised in one advertisement (or in two or more advertisements in one issue of a periodical or a newspaper or in one piece of other written, printed, or graphic matter) if the advertisement tends to create the impression that representations made as to one brand or lot apply to the other or others, and if as to such latter the representations contravene any provision of this article or are in any respect untrue.

(g) *Statements, seals, flags, coats of arms, crests, and other insignia.*—Statements, seals, flags, coats of arms, crests, or other insignia, or graphic or pictorial or emblematic representations thereof, likely to mislead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of, the government, organization, family, or individual with whom such statement, seal, flag, coat of arms, crest, or insignia is associated, are prohibited.

ARTICLE VI—GENERAL PROVISIONS

SEC. 60. *Exports.*—These regulations shall not apply to malt beverages exported in bond.

SEC. 61. *Effective date.*—Except as otherwise provided herein, these regulations are effective on and after the 15th day of December 1936.

[SEAL] W. S. ALEXANDER,
Administrator, Federal Alcohol Administration.

Approved, November 19, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 3477—Filed, November 20, 1936; 12:35 p. m.]

DEPARTMENT OF LABOR.

Immigration and Naturalization Service.

[General Order No. 238]

CHANGES IN NATURALIZATION REGULATIONS OF JANUARY 1, 1932, AS AMENDED

NOVEMBER 17, 1936.

By virtue of and pursuant to authority conferred by Section 28 of the Naturalization Act of June 29, 1906 (34 Stat. 606; U. S. C., title 8, section 356), as amended by Section 8 of the Act of March 2, 1929 (45 Stat. 1515), and Executive Order No. 6166, dated June 10, 1933, the following changes are hereby made in the Naturalization Regulations of January 1, 1932, as amended:

Subdivision M of Rule 1 is repealed.

Subdivisions N and O of said rule are changed to read Subdivisions M and N, respectively.

Rule 19 is changed to 16.

Rule 1, Subdivision N (now M) Par. 1. The last sentence of this paragraph is eliminated and the following inserted in lieu thereof:

In the case of public-school classes whose courses, teaching, and examinations are personally known to the head of the field district to be satisfactory, the Service will be disposed to authorize the acceptance of their certificates as indicating the possession of adequate educational qualifications. Satisfactory arrangements for the acceptance of certificates must be made with the Central Office, and the matter thereafter submitted to the local Federal or State naturalization courts concerned for their approval also, before being made effective.

Rule 7, Subdivision F, Par. 2. In the first sentence eliminate the last clause reading, "which may be accepted in lieu of a declaration of intention."

Rule 8, Subdivision A, Par. 1. The third sentence of this paragraph is amended to read:

Certificates of citizenship shall be fully executed and signed in his own handwriting in duplicate by the clerk, and he shall enter on the stub of each certificate so issued a memorandum of all essential facts as set forth in such certificate.

Rule 8, Subdivision A, Par. 1. This paragraph is transferred to Rule 9, Subdivision A, as paragraph 4 thereof.

Rule 10, Subdivision A, Par. 4,

Rule 11, Subdivision B, Par. 1,

Rule 12, Subdivision A, Par. 2, and

Rule 13, Subdivision A, Par. 2. At the end of each of these four paragraphs add the following new sentence:

Every applicant for a certificate under this rule will be required to satisfy the Service that he has not expatriated himself subsequent to the date he claims to have acquired United States citizenship.

Rule 11, Subdivision B, Par. 2. At the end of the first sentence in this paragraph eliminate the word "therefore" and substitute the words "for the certificate."

Rule 12, Subdivision A, Par. 1 and

Rule 13, Subdivision A, Par. 1.

At the end of the last sentence in each of these paragraphs eliminate the words "for such certificate" and add "payable to the order of the Commissioner of Immigration and Naturalization, Washington, D. C."

[SEAL] D. W. MACCORMACK,
Commissioner of Immigration and Naturalization.

Approved:
CHARLES O. GREGORY,
Acting Secretary.

[F. R. Doc. 3465—Filed, November 19, 1936; 3:36 p. m.]

INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 10th day of November A. D. 1936.

[No. MC 50921]

APPLICATION OF RUDOLPH J. LA PLUME FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of Rudolph J. La Plume, of 280 Hamilton Street, Worcester, Mass., for a Permit (Form BMC 10, New Operation), Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of Commodities Generally, in Interstate Commerce from and between Points in the States of Connecticut, Massachusetts, New Hampshire, and Rhode Island. Including but not Limited to Newport, Marlboro, and Hillsboro, N. H., Worcester, Mass., Providence, R. I., and Stafford Springs, Conn., Over Regular and Irregular Routes

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner C. I. Kephart for hearing on the 15th day of December, A. D. 1936, at 10 o'clock a. m. (standard time), at the Hotel Lenox, Boston, Mass., and for recommendation of an appropriate order thereon accompanied by the reasons therefor;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 3469—Filed, November 20, 1936; 12:15 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 10th day of November A. D. 1936.

[No. MC 50872]

APPLICATION OF HUGH BERNARD MORSE FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of Hugh Bernard Morse, Individual, Doing Business as Diamond M Transport, of Grove Street, Paxton, Mass., for a Permit (Form BMC 10, New Operation) Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of Apples, Seeds, Fertilizers, Farm Machinery and Equipment, in Interstate Commerce, From and Between Points Located in the States of Massachusetts, New York, Connecticut, Maine, New Hampshire, Rhode Island, and New Jersey, Over Irregular Routes

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner C. I. Kephart for hearing on the 14th day of December, A. D. 1936, at 10 o'clock a. m. (standard time), at the Hotel Lenox, Boston, Mass., and for recommendation of an appropriate order thereon accompanied by the reasons therefor;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 3468—Filed, November 20, 1936; 12:15 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 10th day of November A. D. 1936.

[No. MC 50576]

APPLICATION OF J. LOREN PENDRICH FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of J. Loren Pendrigh, of Guildhall, Vt., for a Permit (Form BMC 10, New Operation), Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of Commodities Generally, in Interstate Commerce, in the States of Connecticut, Massachusetts, New Hampshire, New York, and Vermont, Over the Following Routes

Route No. 1.—Between Guildhall, Vt., and Gouverneur, N. Y., via Burlington, Vt., and Champlain, N. Y.

Route No. 2.—Between Guildhall, Vt., and Windsor Locks, Conn., via Woodsville, N. H., and Massachusetts points.

Also operations from and between Northumberland, N. H., Guildhall, Vt., Gouverneur, N. Y., Windsor Locks, Conn., and Massachusetts points, over irregular routes.

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner C. I. Kephart for hearing on the 10th day of December A. D. 1936, at 10 o'clock a. m. (standard time), at the U. S. Court Rooms, Montpelier, Vt., and for recommendation of an appropriate order thereon accompanied by the reasons therefor;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 3467—Filed, November 20, 1936; 12:15 p. m.]

ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 18th day of November A. D. 1936.

[Ex Parte No. 115]

IN THE MATTER OF INCREASES IN FREIGHT RATES AND CHARGES

Upon consideration of the petition of class I railroads for the modification of certain outstanding rate orders and for fourth-section relief, dated and filed with the Commission on October 23, 1936, docketed as Ex Parte No. 118:

It is ordered, That this proceeding be, and it is hereby, reopened for further hearing with respect to the lawfulness and propriety of existing basic freight rates of all carriers by rail or water subject to the Interstate Commerce Act as proposed to be increased in the manner and the amounts indicated in the petition referred to in the foregoing paragraph, at the office of the Interstate Commerce Commission in Washington, D. C., January 6, 1937, 10 o'clock a. m., standard time, before Commissioner Aitchison.

It is further ordered, That a copy of this order be served upon each carrier by rail or water subject to the Interstate Commerce Act and upon each State, and that notice be given to the public by posting a copy in the office of the Secretary of the Commission.

By the Commission.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 3470—Filed, November 20, 1936; 12:15 p. m.]

ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 18th day of November A. D. 1936.

[Ex Parte No. 118]

PETITION OF CLASS I RAILROADS FOR THE MODIFICATION OF CERTAIN OUTSTANDING RATE ORDERS AND FOR FOURTH SECTION RELIEF

Upon consideration of the petition of class I railroads for the modification of certain outstanding rate orders and for fourth-section relief, dated October 23, 1936, and of the replies thereto:

It is ordered, That said petition to the extent that it seeks modification of outstanding orders and fourth-section relief forthwith be, and it is hereby, denied without prejudice to such modification and relief as may be deemed proper after hearing as to the lawfulness and propriety of the increased rates proposed in said petition.

It is further ordered, That to the extent that said petition proposes increases in existing freight rates the issues as to the lawfulness and propriety of such rates as so increased be, and they are hereby, transferred to docket Ex Parte No. 115 for hearing and decision.

And it is further ordered, That this proceeding be, and it is hereby, discontinued.

By the Commission.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 3471—Filed, November 20, 1936; 12:16 p. m.]

[Ex Parte No. 118]

PETITION OF CLASS I RAILROADS FOR THE MODIFICATION OF CERTAIN OUTSTANDING RATE ORDERS AND FOR FOURTH SECTION RELIEF

NOVEMBER 19, 1936.

Notice to the Public:

On October 23, 1936, the Commission entered an order docketed under the above caption, permitting the filing of replies by interested parties to the petition of the carriers in the above-entitled proceeding, and fixing November 7, 1936, as the final date for such filing.

About 300 replies to the petition have been received. Upon consideration of the petition and the replies the Commission has determined that the petition of the carriers, insofar as it prays for modification of outstanding orders to the extent necessary to permit the filing of rates described in exhibit 2 attached to the petition, should not be granted at present upon the mere assertions of the petition and the replies thereto, but should be further heard before it is finally determined, for the following reasons: (1) The modification desired would amount to abrogation of the maintenance clauses of the orders, and it is believed that such action should not be taken except after interested parties have had a hearing upon the merits of the proposals of the rail carriers; (2) The expense to the carriers of publishing tariffs and supplements merely embodying the rate changes outlined in exhibit 2 and the expense to the Commission of preparing and serving suspension orders relating to such rate changes would be very great and the labor involved might serve no useful end; and (3) The decision of the multitude of investigation and suspension proceedings within the maximum suspension period would impose an administrative burden which can be avoided by the course herein indicated.

Treating the railroads' petition broadly, and as seeking ultimate approval as lawful of the specified new rates sought to be initiated, the Commission is of the view that the petitioners should be accorded as prompt a hearing as is possible on the issues so raised. It has therefore been decided to reopen Ex Parte No. 115 for further hearing as to the questions raised in the petition docketed as Ex Parte No. 118. The reopening of that proceeding has been decided upon in order to relieve carriers, shippers, and others who already have made extensive presentations in that proceeding from being required virtually to duplicate evidence of comparatively recent date. As an additional means of expediting the hearings any interested party will be permitted to submit relevant and material evidence in the form of a sworn statement, subject to the right of adverse parties to require the presence of affiant for the purpose of cross-examination based on such verified statements. This is substantially the procedure provided in rule 48 of the Rules in Equity to be followed in patent and trademark cases, and was the procedure followed in the Fifteen Per Cent Case, 1931, 191 I. C. C. 361.

The initial hearing for the purpose of receiving testimony from the railroads in support of their petition is assigned at the office of the Commission in Washington, D. C., January 6, 1937, 10 o'clock a. m., before Commissioner Aitchison, and subsequent hearings will be announced later. It is to be understood that all ancillary and connected applications under the fourth and sixth sections of the act will be heard at the same time.

By the Commission.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 3472—Filed, November 20, 1936; 12:16 p. m.]

[Fourth Section Application No. 16617]

SOAPSTONE AND TALC

NOVEMBER 20, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: J. E. Tilford, Agent.
Commodities involved: Soapstone and talc, in carloads.
From and to: Points in the South.
Grounds for relief: To maintain grouping.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 3473—Filed, November 20, 1936; 12:16 p. m.]

[Fourth Section Application No. 16618]

CRUSHED STONE AND SLAG FROM NEW YORK

NOVEMBER 20, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: W. S. Curlett, Agent.
Commodities involved: Crushed stone and slag, in carloads.
From: Points in New York.
To: Points in New York and Pennsylvania.
Grounds for relief: To maintain grouping.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 3474—Filed, November 20, 1936; 12:16 p. m.]

RESETTLEMENT ADMINISTRATION.

[Administration Order 176 (Supplement 1)[1]]

EXECUTION OF TEMPORARY GRAZING AND CROPPING AGREEMENTS

NOVEMBER 17, 1936.

Delegation of authority to execute on behalf of the RA instruments, documents, or agreements creating rights in or affecting third persons. (Temporary Grazing Agreements and Temporary Cropping Agreements.)

1. The purpose of this Supplement is to supersede AO 143 and paragraph 6 of AO 176. Paragraph 6b of AO 176 is entirely new. Recipients will mark AO 176 to insure reference being made to this Supplement.

2. Paragraph 6 of AO 176 will now read:

6. *Temporary Grazing and Temporary Cropping Agreements.*—

(a) The Assistant Administrator in charge of LU and regional directors are each hereby authorized to execute on behalf of the U. S. Government and the RA, with or without consideration, Temporary Grazing Agreements and Temporary Cropping Agreements for land acquired in connection with land use projects or rural resettlement type projects under their respective jurisdictions, and for any land now, or in the future, made a part of such projects.

(b) The Assistant Administrator in charge of LU is hereby authorized to exercise all powers to revoke, modify, or alter these Agreements which are exercisable either by the terms of the Agreements themselves or by operation of law.

(c) Each regional director may delegate in writing the authority granted herein, through the proper channels, to the manager of the project, who may be a community manager, project manager, or some other responsible official on the project, provided only one person is authorized to execute such Agreements for any one project. The regional director shall forward a copy of this delegation of authority to the proper special attorney of the Department of Justice and shall notify the special attorney of any cancelations of such authority.

(d) The regional director or the manager of the project shall execute Temporary Grazing Agreements and Temporary Cropping Agreements for the Government only on standard RA forms approved by the Administrator. When it is found necessary to modify standard RA forms, the suggested modification shall be first submitted to the Administrator, Resettlement Administration, Washington, D. C. Refer to Assistant Administrator in charge of Land Utilization, who in turn will secure the approval of the LE Division.

(e) The manager of the project shall hereafter have the licensee execute one more copy than formerly required of each Temporary Grazing Agreement and Temporary Cropping Agreement. This copy shall also be executed on behalf of the U. S. and shall be placed in the project files, together with the unexecuted copy which is now held in these files. The executed copy will be for submission to the special attorney in accordance with paragraph 15b II of AI 89 (Rev. 1), when he requires the manager of the project to certify as to the occupancy of the tract. All other copies will be routed in accordance with present instructions.

(f) The regional director or the manager of the project to whom he has delegated the authority to execute such Agreements is authorized to collect the consideration payable to the Government through the RA under the terms of the Agreements, in accordance with FI-LU 15, 33, and 36 and supplements thereto.

(g) The authority to execute Temporary Grazing Agreements and Temporary Cropping Agreements and the policy to be followed regarding such Agreements will be exercised in accordance with orders or instructions that have been or may hereafter be issued.

(h) Any authority heretofore granted to the Assistant Administrator in charge of LU *to delegate the power* to execute Temporary Cropping and Grazing Agreements in AO 143 and AO 176 is hereby rescinded, as is any delegation of such authority granted by him. However, this Supplement does not rescind any Agreement already executed by virtue of authority delegated by the Assistant Administrator in charge of LU.

R. G. TUGWELL, *Administrator.*

NOVEMBER 17, 1936.

[F. R. Doc. 3466—Filed, November 20, 1936; 11:49 a. m.]

---

[1] Supersedes AO 143—February 9, 1936; Par. 6 of AO 176—June 25, 1936; Supplements FI-LU 15—November 16, 1935; FI-LU 33—March 2, 1936; and Supplements Thereto; FI-LU 36 (Rev. 1)—June 17, 1936.

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of November A. D. 1936.

[File No. 2-2561]

IN THE MATTER OF REGISTRATION STATEMENT OF SOUTH UMPQUA MINING COMPANY

ORDER CHANGING DATE AND HOUR FOR HEARING

The Commission having heretofore, on November 7, 1936, ordered that a hearing under Section 8 (d) of the Securities Act of 1933, as amended, be held in this matter on November 20, 1936, at 11 o'clock a. m. in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and having designated Allen MacCullen, an officer of the Commission, to take testimony therein; and

The registrant having requested a postponement of such hearing,

It is ordered, that the hearing heretofore called for November 20, 1936, be held at 10 o'clock a. m. at the same place on December 2, 1936.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 3480—Filed, November 20, 1936; 12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of November A. D. 1936.

[File No. 43-14]

IN THE MATTER OF THE DECLARATION OF REPUBLIC SERVICE CORPORATION

ORDER FIXING EFFECTIVE DATE FOR DECLARATION UNDER SECTION 7 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Republic Service Corporation, a registered holding company, having filed a declaration with the Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, with respect to the issue and sale of a non-negotiable Three Year 6% Collateral Note in the principal amount of $112,000 to Republic Service Employees Savings and Investment Fund, to refund an indebtedness of the declarant to such fund now evidenced by demand notes; notice and opportunity for hearing on said declaration having been given; said declaration having been amended; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered, that said declaration, as amended, be, and become, effective as of November 19, 1936.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 3479—Filed, November 20, 1936; 12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of November A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE OHIO-KYLE FARM, FILED ON NOVEMBER 13, 1936, BY FIRST DEPENDABLE OIL CORP., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that Item 18 (a) (ii) of Division II states there are no abandoned wells, whereas Exhibit A shows 2 abandoned wells;

2. In that the last paragraph in Item 19 of Division II implies the filing of an engineer's report with the Securities and Exchange Commission. No such report was filed with the offering sheet;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 19th day of December 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered, that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding commence on the 3rd day of December 1936 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F R. Doc. 3478—Filed, November 20, 1936; 12:45 p. m.]

Tuesday, November 24, 1936 *No. 181*

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48545]

PORT OF ENTRY

DESIGNATION OF ORANGE, TEXAS, AS A CUSTOMS PORT OF ENTRY

NOVEMBER 18, 1936.

To Collectors of Customs and Others Concerned:

There is published below for the information of customs officers and others concerned the following Executive Order, dated November 14, 1936, designating Orange, Texas, as a customs port of entry in Customs Collection District No. 21 (Sabine), with headquarters at Port Arthur, Texas, effective as of the date of the order.

[SEAL] JAMES H. MOYLE,
Commissioner of Customs.

EXECUTIVE ORDER

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, 38 Stat. 609, 623 (U. S. C., title 19, sec. 2), I hereby designate Orange, Texas, as a customs port of entry in Customs Collection District No. 21 (Sabine), effective this date.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 14, 1936.

[F. R. Doc. 3490—Filed, November 21, 1936; 10:33 a. m.]